IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 7 OF 2004.

Communidade of Kerim,
Kerim, Goa, through its
Attorney Shri Manohar Dessai,
residing at Kerim, Goa. .... Appellant.

Versus

1. Land Acquisition Officer,
   Office of the Dy. Collector & S.D.O.,
   Ponda, Goa.

2. Dy. Chief Executive Officer,
   Industrial Development Corporation
   (IDC), Panaji, Goa. ..... Respondents.

Shri R.G. Ramani, Advocate for the Appellant.

Shri M.S. Sonak with Shri P. Rao, Advocates for the Respondent No.2.

CORAM: B. H. MARLAPALLE &
N. A. BRITTO, JJ.

DATE: 21st December, 2004.

ORAL JUDGMENT: (Per Marlapalle, J.)

This appeal filed under Section 54 of the Land Acquisition Act, 1894 (Act for short) assails the award dated 25.9.2003 passed by the learned IInd Additional District Judge in Land Acquisition Case No.105/97. The appellant/claimant is the Communidade of Kerim and the land located under Survey No.102, 103/1, 104 (part), 140, 143 (part) and 156 was covered by LA.C. No.105/97. It was acquired by the common Notification dated 9.3.1989 for the Industrial Estate/Nylon 66 Project at Kerim. Like in First Appeal No.5/2004, the Reference Court held that there was no evidence in support of the claim of

Rs.50/- per sq.m. and the Reference for enhancement came to be rejected.

2. This is a connected appeal with First Appeal No.5/2004. The land in both the appeals was acquired by common notification from the same village and belonging to the very same Communidade. The nature of the land was also same. Under the circumstances, for the reasons set out in our judgment rendered today in First Appeal No.5/2004, we allow the appeal partly and fix the market value at Rs.9.75 (Rupees nine and paise seventy five) per sq.m. In addition the claimant would be entitled for the statutory benefits of solatium as well as interest under the Act on the enhanced compensation.

B. H. MARLAPALLE, J.

N. A. BRITTO, J.

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